



Order Filed on January 17, 2023  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**MELLINGER KARTZMAN LLC**  
101 Gibraltar Drive, Suite 2F  
Morris Plains, New Jersey 07950  
Steven A. Jayson, Esq.  
Tel. (973) 267-0220  
sjayson@msklaw.net  
*Attorneys for Trustee, Steven P. Kartzman*

**In re:**

**NICHOLAS PEZZA,**

**Debtor.**

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

Case No. 16-33371-RG

Chapter 7

The Hon. Rosemary Gambardella

**ORDER (I) AUTHORIZING THE PRIVATE SALE OF PROPERTY OF THE ESTATE  
FREE AND CLEAR OF LIENS, CLAIMS AND INTERESTS PURSUANT TO 11 U.S.C.  
§363; (II) AUTHORIZING DISTRIBUTION OF SALE PROCEEDS; (III) WAIVING 14  
DAY STAY OF ORDER; AND (IV) GRANTING RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby

**ORDERED.**

**DATED: January 17, 2023**

A handwritten signature in cursive script that reads "Rosemary Gambardella".  
\_\_\_\_\_  
Honorable Rosemary Gambardella  
United States Bankruptcy Judge

Page 2 of 3

Debtor: Nicholas Pezza

Case No.: 16-33371 (RG)

Caption: Order (i) Authorizing the Private Sale of Property of the Estate Free and Clear of Liens, Claims and Interests Pursuant to 11 U.S.C. §363; (ii) Authorizing Distribution of Sale Proceeds; (iii) Waiving 14 Day Stay of Order; and (iv) Granting Related Relief

---

This matter having been brought before the Court by Motion of Mellinger Kartzman LLC counsel to the court-appointed Chapter 7 Trustee, Steven P. Kartzman (the “Trustee” or “Kartzman”), for entry of an Order (i) Authorizing the Private Sale of Property of the Estate Free and Clear of Liens, Claims and Interests Pursuant to 11 U.S.C. §363; (ii) Authorizing Distribution of Sale Proceeds; (iii) Waiving 14 Day Stay of Order; and (iv) Granting Related Relief (the “Motion”); and it appearing that notice of the motion has been duly served; and the Court having considered opposition to the Motion and the arguments of counsel, if any, and good cause having been shown, it is hereby:

**ORDERED AS FOLLOWS:**

1. The Trustee be, and is hereby, authorized and directed to sell the Estate’s 25% interest in New Street Pizzeria, LLC and 25% interest in 63 New Street, LLC to Martin Miller and Joshua Miller (the “Purchasers”), for the sum of \$120,000 pursuant to the terms of the Stipulation for Private Sale of Debtor’s Interest in New Street Pizzeria, LLC and 63 New Street, LLC to Martin Miller and Joshua Miller, annexed hereto as **Exhibit “A”**, free and clear of all liens, claims, interests, and encumbrances pursuant to 11 U.S.C. § 363, with any valid liens, claims, encumbrances, or interests not avoided herein, to attach to the proceeds of sale in the same order of their priority pursuant to 11 U.S.C. § 363(b) and (f).

2. The Purchasers are deemed to be good faith purchasers for value within the meaning of 11 U.S.C. § 363(m)

3. The Trustee shall be and hereby is authorized and directed to convey title to the Purchasers, or any entity that the Purchasers form to take title in their stead (hereinafter referred

Page 3 of 3

Debtor: Nicholas Pezza

Case No.: 16-33371 (RG)

Caption: Order (i) Authorizing the Private Sale of Property of the Estate Free and Clear of Liens, Claims and Interests Pursuant to 11 U.S.C. §363; (ii) Authorizing Distribution of Sale Proceeds; (iii) Waiving 14 Day Stay of Order; and (iv) Granting Related Relief

---

to collectively as the “Purchaser”), and to take all actions as may reasonably be required that are consistent with this Order for the purpose of effectuating the proposed sale.

4. The stay of any sale pursuant to the terms of this Order as set forth in FED R. BANKR. P. 6004(h) is hereby waived, and the Trustee and Purchaser may consummate the sale approved herein immediately upon entry of this Order.

5. The Court shall retain jurisdiction to enforce the terms of the within Order, including fixing the amounts due to secured, unsecured, and administrative claimants, failing a consensual resolution with the Trustee.

6. The Debtor shall not be granted an exemption claim against the proceeds of the sale of the LLC interests, nor as to the funds previously recovered by the Trustee.

7. The proceeds of the sale shall be distributed in the order of priority provided by the Bankruptcy Code.

8. A copy of this Order shall be served on all parties who are affected by this action within seven (7) days of the date hereof.

EXHIBIT “A”

**MELLINGER KARTZMAN LLC**  
101 Gibraltar Drive, Suite 2F  
Morris Plains, New Jersey 07950  
Steven A. Jayson, Esq.  
Tel. (973) 267-0220  
sjayson@msklaw.net  
*Attorneys for Trustee, Steven P. Kartzman*

**In re:**

**NICHOLAS PEZZA,**

**Debtor.**

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

Case No. 16-33371-RG

Chapter 7

The Hon. Rosemary Gambardella

**STIPULATION FOR PRIVATE SALE OF DEBTOR'S INTEREST IN NEW STREET  
PIZZERIA, LLC AND NEW STREET, LLC TO MARTIN MILLER AND JOSHUA  
MILLER**

**IT IS HEREBY STIPULATED AS FOLLOWS:**

A. On December 8, 2016, the Debtor, Nicholas Pezza ("Pezza" or the "Debtor"), filed a voluntary petition for relief under chapter 13 of title 7 of the United States Code ("Bankruptcy Code") in the United States Bankruptcy Court for the District of New Jersey.

B. On April 16, 2017, the Debtor filed a Motion to Convert Case to Chapter 11. [Dkt. No. 29]. On May 10, 2017, the Court entered an Order Converting the Case to Chapter 11 under the Bankruptcy Code. [Dkt. No. 32].

C. On August 31, 2018, the U.S. Trustee filed a Motion to Dismiss Case for Failure to File Monthly Operating Reports, or in the Alternative to Convert Case from Chapter 11 to Chapter 7. [Dkt. No. 117]. The Court entered the Order Converting the Case to Chapter 7 on November 30, 2018. [Dkt. No. 124].

D. On November 30, 2018, Kartzman was appointed Chapter 7 Trustee for the Debtor's Estate (the "Estate"), with the duties described in 11 U.S.C. §704.

Page 2 of 5

Debtor: Nicholas Pezza  
Case No.: 16-33371-RG  
Caption: Stipulation For Private Sale of Debtor's Interest in New Street Pizzeria, LLC and New Street, LLC  
to Martin Miller and Joshua Miller

---

E. During the course of the Trustee's investigation into the financial affairs of the Debtor, it was discovered that the Debtor owned a 25% interest in New Street Pizzeria, LLC and a 25% interest in New Street, LLC. The remaining interests in New Street Pizzeria, LLC and New Street, LLC were owned by Martin Miller ("M. Miller") and Joshua Miller ("J. Miller"; together with M. Miller the "Millers").

F. The Millers hereby agree to purchase the Estate's interest in New Street Pizzeria, LLC and New Street, LLC for the sum of \$120,000.00 (the "Full Payment").

G. The Millers shall remit \$60,000.00 to the Estate within fifteen (15) days of entry of a Court Order authorizing the sale to the Millers (the "Initial Payment"), and \$60,000.00 within six (6) months of the Initial Payment date (the "Final Payment").

H. Should the Millers fail to remit the Initial Payment or the Final Payment, the Millers shall be in default. In the event of a default, the Millers shall pay the Estate 1.5 times the Full Payment, less all payments received by the Estate.

I. To the extent that the Millers fail to make the required Full Payment, the Trustee shall file a certification of default with the Court on notice to the Millers. Should the Millers fail to cure the default within ten (10) days of the filing of a certification of default, the Court shall:

a. Enter a judgment against the Millers in an amount 1.5 times the Full Payment amount, less payments made to the Trustee (the "Judgment").

J. Once Full Payment is received, a Bill of Sale, a copy of which is attached hereto as Schedule "A", will be provided by the Estate to the Millers.

Page 3 of 5

Debtor: Nicholas Pezza

Case No.: 16-33371-RG

Caption: Stipulation For Private Sale of Debtor's Interest in New Street Pizzeria, LLC and New Street, LLC  
to Martin Miller and Joshua Miller

---

K. The terms of this Stipulation are subject to the Court's approval and the issuance of a Notice of Private Sale (the "Notice") and the following:

- a. If no objection to the Notice is filed, the issuance and docketing of a Certification of No Objection by the Clerk of the Bankruptcy Court; or
- b. If any objection to the Notice is filed, the overruling of any such objection by this Court.

In the event that an objection to the sale is filed and sustained, the parties shall be restored to their pre-settlement positions.

L. The parties, and anyone who succeeds to their rights and responsibilities hereunder, including their successors and/or assigns, are bound by this Stipulation. This Stipulation is made for the benefit of the parties and all who succeed to their rights and responsibilities.

M. The Bankruptcy Court shall retain exclusive jurisdiction to adjudicate all matters arising under or in connection with this Stipulation.

**SIGNATURE PAGES TO FOLLOW  
REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

Page 4 of 5

Debtor: Nicholas Pezza  
Case No.: 16-33371-RG  
Caption: Stipulation For Private Sale of Debtor's Interest in New Street Pizzeria, LLC and New Street, LLC  
to Martin Miller and Joshua Miller

IN WITNESS WHEREOF, the parties have executed this Stipulation on the date first  
above written:

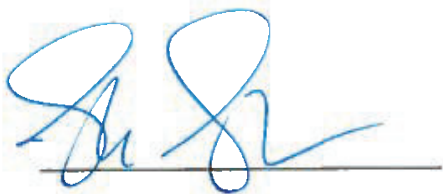
WITNESS:



**MELLINGER KARTZMAN LLC**  
*Attorneys for Steven P. Kartzman*  
*Chapter 7 Trustee*

By:   
STEVEN A. JAYSON, ESQ.

Dated: October 19, 2022



**LAW OFFICES OF KEVIN CRAWFORD ORR**  
*Attorney for Martin Miller and Joshua Miller*

By:   
KEVIN C. ORR, ESQ.

Dated: October \_\_, 2022



By:   
MARTIN MILLER

Dated: October \_\_, 2022

By:   
JOSHUA MILLER

Dated: October \_\_, 2022



Page 5 of 5

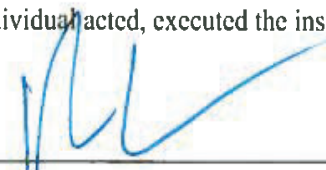
Debtor: Nicholas Pezza

Case No.: 16-33371-RG

Caption: Stipulation For Private Sale of Debtor's Interest in New Street Pizzeria, LLC and New Street, LLC  
to Martin Miller and Joshua Miller

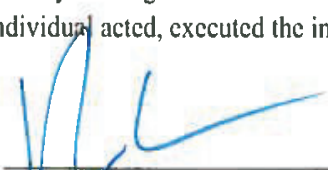
STATE OF NEW JERSEY )  
) ss:  
COUNTY OF ESSEX )

On the 18<sup>th</sup> day of October, 2022, before me, the undersigned, personally appeared **Martin Miller**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Kevin C. Orr, Esq.  
Attorney at Law, State of New Jersey  
NJ Atty. No. 019891991

STATE OF NEW JERSEY )  
) ss:  
COUNTY OF ESSEX )

On the 18<sup>th</sup> day of October, 2022, before me, the undersigned, personally appeared **Joshua Miller**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Kevin C. Orr, Esq.  
Attorney at Law, State of New Jersey  
NJ Atty. No. 019891991

# Schedule A

## **BILL OF SALE-MEMBERSHIP INTERESTS**

This **BILL OF SALE** is made on October \_\_\_, 2022

**STEVEN P. KARTZMAN**, Chapter 7 Trustee for the bankruptcy estate of **NICHOLAS PEZZA** (the "Estate"), now pending in the United States Bankruptcy Court for the District of New Jersey, Chapter 7 Case No. 16-33371 (RG), c/o Mellinger Kartzman LLC, 101 Gibraltar Drive, Suite 2F, Morris Plains, New Jersey 07950, herein referred to as the Seller,

for and in consideration of the sum of **\$120,000.00** paid to it by

**MARTIN MILLER** ("M. Miller"), an individual residing at 331 Locust Street, Teaneck, New Jersey 07666, **AND JOSHUA MILLER** ("J. Miller"), an individual residing at 80 Union Street, Apt. A7, New Jersey 07105, M. Miller and J. Miller are collectively referred to as the Buyers,

pursuant to a Stipulation for Private Sale of Debtor's Interest in New Street Pizzeria, LLC and New Street, LLC to Martin Miller and Joshua Miller, and an Order Authorizing Sale entered by the Bankruptcy Court which is attached hereto,

hereby sells, transfers, sets over, and assigns unto Buyers the following described property:

The Estate's 25% interest in New Street Pizzeria, LLC and the Estate's 25% interest in New Street, LLC.

**TO HAVE AND TO HOLD**, the same unto the Buyers forever.

All the terms, covenants and conditions herein contained shall be for and shall inure to the benefit of and shall bind the respective parties hereto. and their legal representatives, successors and assigns, respectively.

In all references herein to any parties, persons, entities or corporations the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of the within instrument may require.

**IN WITNESS WHEREOF**, the Seller has hereunto set Seller's hand and seal the day and year first above written.

Witnessed or Attested By:

STEVEN P. KARTZMAN, as Chapter 7  
Trustee for Nicholas Pezza

\_\_\_\_\_  
STEVEN A. JAYSON

\_\_\_\_\_  
STEVEN P. KARTZMAN, Trustee  
101 Gibraltar Drive  
Morris Plains, New Jersey 07950

**STATE OF NEW JERSEY )**  
**) SS:**  
**COUNTY OF MORRIS )**

**I CERTIFY** that on October \_\_\_\_, 2022, **STEVEN P. KARTZMAN, Trustee**, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this Bill of Sale;
- (b) signed, sealed and delivered this Bill of Sale as his or her act and deed; and
- (c) made this Bill of Sale for \$120,000.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

\_\_\_\_\_  
Patricia Masiello  
A Notary Public of New Jersey

In re:  
Nicholas Pezza  
Debtor

Case No. 16-33371-RG  
Chapter 7

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Jan 17, 2023

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
--------	------------

+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
---	--

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 19, 2023:

Recip ID	Recipient Name and Address
db	+ Nicholas Pezza, 488 Dewey Avenue, Saddle Brook, NJ 07663-5904
aty	+ Michael J. Cavallaro, 25 Lafayette Place, Kearny, NJ 07032-2228

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 19, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 17, 2023 at the address(es) listed below:

Name	Email Address
Denise E. Carlon	on behalf of Creditor Deutsche Bank National Trust Company as Trustee for the Holders of New Century Home Equity Loan Trust Series 2005-A, Asset Backed Pass-Through Certificates dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Donald Troy Bonomo	on behalf of Debtor Nicholas Pezza dbonomo123@gmail.com tdr68458@notify.bestcase.com
Elizabeth L. Wassall	on behalf of Creditor U.S. Bank National Association as Trustee, for Lehman Mortgage Trust Mortgage Pass Through Certificates Series 2006-2 ewassall@logs.com, njbankruptcynotifications@logs.com;logsecf@logs.com
Francesca Ann Arcure	on behalf of Creditor Nationstar Mortgage LLC as servicer for U.S. Bank National Association, as Trustee, for Lehman Mortgage Trust Mortgage Pass Through Certificates Series 2006-2 farcure@hillwallack.com, NJ_ECF_Notices@McCalla.com
Francis J. Ballak	

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: Jan 17, 2023

Form ID: pdf903

Total Noticed: 2

on behalf of Creditor Christiana Trust as Custodian francis@gmslaw.com

Joseph R Zapata, Jr

on behalf of Trustee Steven P. Kartzman jzapata@msbnj.com

Judah B Loewenstein

on behalf of Trustee Steven P. Kartzman jloewenstein@msklaw.net  
sjayson@msklaw.net;pmasiello@msklaw.net;donnaz@msklaw.net

Keith A. Bonchi

on behalf of Creditor Christiana Trust as Custodian keith@gmslaw.com

Kevin C. Orr

on behalf of Interested Party NEW STREET PIZZERIA LLC firm@orr-law.com, firm@orr-law.com

Laura M. Egerman

on behalf of Creditor U.S. Bank National Association bkyecf@rasflaw.com bkyecf@rasflaw.com;legerman@raslg.com

Michael A. Artis

on behalf of U.S. Trustee U.S. Trustee michael.a.artis@usdoj.gov

Robert P. Saltzman

on behalf of Creditor MTGLQ Investors LP c/o Rushmore Loan Management Services, LLC dnj@pbslaw.org

Steven A. Jayson

on behalf of Trustee Steven P. Kartzman sjayson@msklaw.net  
jloewenstein@msklaw.net;donnaz@msklaw.net;pmasiello@msklaw.net

Steven P. Kartzman

Trustee@msklaw.net  
nj16@ecfcbis.com;jloewenstein@msklaw.net;sjayson@msklaw.net;skartzman@msklaw.net;donnaz@msklaw.net;pmasiello@msklaw.net

Steven P. Kartzman

on behalf of Appraiser A. Atkins Appraisal Corp Trustee@msklaw.net,  
nj16@ecfcbis.com;jloewenstein@msklaw.net;sjayson@msklaw.net;skartzman@msklaw.net;donnaz@msklaw.net;pmasiello@msklaw.net

Steven P. Kartzman

on behalf of Trustee Steven P. Kartzman Trustee@msklaw.net  
nj16@ecfcbis.com;jloewenstein@msklaw.net;sjayson@msklaw.net;skartzman@msklaw.net;donnaz@msklaw.net;pmasiello@msklaw.net

Stuart H. West

on behalf of Creditor MTGLQ Investors LP c/o Rushmore Loan Management Services, LLC swest@pbslaw.org

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

United States Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 19